



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/195

In the Matter of Banham Green, Banham,  
Breckland District, Norfolk

DECISION

This reference relates to the question of the ownership of land known as Banham Green, Banham, Breckland District being the land comprised in the Land Section of Register Unit No. VG158 in the Register of Town or Village Greens maintained by the Norfolk County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Mr Humphrey Drummond claimed (letter of 9 October 1975 from his solicitors) to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Norwich on 4 April 1979. At the hearing (1) the Norfolk Society as successor of the Norfolk Association of Amenity Societies, on whose application the registration was made, were represented by Mr A R Cartwright; and (2) Mr Drummond attended in person.

Mr Drummond in the course of his evidence produced the documents specified in the Schedule hereto. Explaining such documents he said (in effect):- Mr L G Robinson who acquired the Manor of Banham under the 1914 conveyance was his grandfather; Major J J P and Mrs V M Evans who made the 1938 declaration of trust were his parents. He changed his name from Evans to Drummond in 1966. Although the 1932 lease expired in 1940, the Parish Council has continued to pay the rent under it: "two shillings and sixpence and one plum cake of the weight of one pound to be made and baked in the Parish of Banham", at least he had had the cake annually (the 2/6 ceased after 1970). He could have produced the Court Rolls which ran from the time of King Richard II to Queen Elizabeth I.

By the 1889, 1914, 1932, 1938 and 1975 conveyances and vesting assent, Mr Drummond's title to the Lordship of the Manor is regularly deduced and I conclude that he is the owner of it. The 1936 lease and the 1969-77 documents specified in the schedule in my opinion show that the green (being the land in this Register Unit) is reputed to appertain to it. On this evidence I am therefore satisfied that Mr Drummond is the owner of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register Mr Humphrey Drummond of Megginch, Errol, Perthshire as the owner of the land under section 8(2) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

SCHEDULE

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| 1 | -               | (Not produced)   |
| 2 | 18 January 1889 | Conveyance by Mr J O H Taylor to Mr A H O Taylor of the Manors of Banham Marshalls Grays and Beckhall in Banham otherwise Beckhall and Grays in Banham and |



- 3 - (Not produced).
- 4 20 May 1914 Conveyance by Mr A H O Taylor to Mr L G Robinson of the said Manors.
- 5 17 February 1932 Conveyance by W Clark and W S Robinson as personal representatives of Mr L G Robinson (he died 29 July 1922) by the direction of Mrs M A Robinson to Major J J P and Mrs V Evans of the said Manors in trust for <sup>the</sup> I L T Evans.
- 6 30 March 1932 Lease by Major and Mrs Evans to Banham Parish Council of all the rights etc. of the Lord of the Manor in or in respect of the portion of the waste of the said Manors situate in Banham known as Church Green.
- 7 14 January 1938 Vesting assent by Major J J P and Mrs V Evans as personal representative of Mr I L T Evans (he died 2 April 1936).
- 8 14 January 1938 Declaration of trust by them in favour of their son Mr Humphrey ap Evans.
- 9 1 February 1974 Certificate of the death of Major J J P Evans.
- 10 1975 Abstract of the will, death and probate of Mr L G Robinson (he died 27 July 1922).
- 11 14 July 1975 Conveyance by Mrs V M Evans to Mr Humphrey Drummond. of the said Manors.
- 12 2 May 1969 Notice by County Council to H Drummond with copy of Norfolk (Wayland Rural District, Banham) Tree Preservation Order 1969 No. 1.
- 13 6 August 1969 Letter from Clerk of Banham Parish Council to H Drummond enclosing cake and half-a-crown.
- 14 11 August 1969 Letter from County Council to H Drummond about potentially dangerous trees on the Green.
- 15 10 September 1970 Letter from Parish Council thanking H Drummond for accepting responsibility for trees.
- 16 24 November 1971 Letter from County Council to H Drummond requesting his agreement to accept responsibility for payment of £360 for trees on Banham Green (Mr Drummond said that he subsequently paid this).
- 17 1 June 1974 Letter from G Aldridge to Mr Drummond requesting permission to hold fete.
- 18 8 June 1974 Letter from Clerk of Parish Council about council giving permission for fund raising events on the Green and requesting a renewal of the lease.



- 19 14 March 1977 Requesting on behalf of Banham Community Centre Fund to use Banham Green for a fete.
- 20 28 July 1977 Letter from Mr T and Mrs J Beazor about the Green.
- 21 31 July 1977 and 28 September 1977 Letter from Hon Sec Village Sign Committee requesting permission for erection of a village sign, and a further letter about its design.
- 22 22 May 1978 Letter from Parish Council about laying of electricity main.
- 23 6 and 17 January 1977 Letter from Post Office Telecommunications and Grantors copy of consent for one telegraph post.
- 24 16 March 1979 Letter requesting permission to set a Christmas Tree on the Village Green.

Dated this 23rd — day of April — 1979

*a. a. Baden Fuller*

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Commons Commissioner